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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,080	09/04/2001	Junko Fukuda	213304US6	1165

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT PAPER NUMBER

2628

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/944,080	<b>Applicant(s)</b> FUKUDA ET AL.	
	<b>Examiner</b> Antonio A. Caschera	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11,13-17,19,21-25,27 and 29-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11,13-17,19,21-25,27 and 29-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 8, 15-17, 23-25, 27, 31, 32 and 37-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 8, 15, 16, 23, 24, 31 and 32 recite the limitation "said display control means" in the 3<sup>rd</sup> line of the claims, for example. There is insufficient antecedent basis for this limitation in the claim since the previously presented limitation has been recently omitted from the claims of which claims 7, 8, 15, 16, 23, 24, 31 and 32 depend upon. Along, with this limitation, the claims comprise of other limitations that were not previously mentioned in the depended upon claims, for example, "said system menu" is another limitation not previously mentioned. For purposes of prior art rejection, the Office will do its best to interpret the claim language despite the "incomplete" language of the claims.

Claim 17 recites the limitation "the processing items" in line 1 of page 10 of the claims. There is insufficient antecedent basis for this limitation in the claim since the previously presented limitation has been recently omitted from the claim.

Claim 25 recites the limitation "the processing items" in line 17 of the claim. There is insufficient antecedent basis for this limitation in the claim since the previously presented limitation has been recently omitted from the claim.

Claim 27 recites the limitation "the processing items" in line 18 of the claim. There is insufficient antecedent basis for this limitation in the claim since the previously presented limitation has been recently omitted from the claim.

Claims 37-44 recite the limitation "the system menu" in the last line of the claims. There is insufficient antecedent basis for this limitation in the claim since the previously presented limitation has been recently omitted from the claims from which claims 37-44 depend upon.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27 and 29-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isashi (U.S. Patent 5,898,600) in view of Crooks et al. (U.S. Patent 5,208,736).

In reference to claims 1, 3, 9, 11 and 19, Isashi discloses a portable information processing apparatus comprising first and second members along with a hinge member (see column 2, lines 18-20). Isashi discloses a second member having a keyboard mounted on one side along with a first member having a display unit mounted thereon (see columns 14-15, lines 66-9). Isashi discloses the first member, or “display body,” connected to the second member, or “main body,” via the hinge member, allowing the first and second members to open/close and rotate about the hinge member (see column 15, lines 9-16 and #3, 5 and 6 of Figure 1A). Isashi explicitly discloses that in an open position, the display unit faces the keyboard (see Figure 11) and when in a “rotated” position, or a position where the first member is rotated approximately 360°, the back surface of the display unit is close to the second member and the display unit is on an opposite side as the keyboard (see Figures 2, 6 and 15). Isashi further discloses utilizing the keyboard, allowing for operability of the apparatus, when the display unit is in the “rotated” position (see column 16, lines 32-37). Isashi discloses a trackball and associated buttons, seen equivalent to “second operating means,” operable when the display body is in “rotated” position (see column 24, lines 57-60). Isashi also discloses the keyboard and trackball positioned on the same side of the display unit when in an “open” or normal position (see #2, 4 and 22 of Figure 7A, notice how when viewing the display unit in “portrait mode” both the keyboard and trackball are on the right side of the display unit). Further Isashi discloses that when in the “rotated” position, the trackball is positioned to the left (or opposite) side of the display unit from the keyboard (see #2 and 22 of Figure 7B, viewing the display unit in “portrait mode” as shown in Figure 7B). Isashi therefore also discloses that both the keyboard and trackball are “outside” of the display unit or first member (see #2, 4 and 22 of Figure 7A). Isashi does not, however,

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explicitly disclose either the first or second operating means provided on the display unit.

Crooks et al. discloses a trackball mounted on a display housing (see column 2, lines 51-52 and #20 of Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the display unit including the trackball operating means of Crooks et al. with the information processing apparatus of Isashi in order to supply a device operating means when the device is in the above mentioned “rotated” position which reduces discomfort and fatigue while keeping an intuitive operating control (see columns 2-3, lines 64-3 of Crooks et al.). Further in reference to claims 3 and 11, Isashi explicitly discloses the apparatus comprising of a camera lens mounted in the hinge member for use in a “photographic mode” or “rotated” position (see column 15, lines 55-61 and column 16, lines 32-65).

In reference to claims 5, 6, 13, 14, 21, 22, 29 and 30, Isashi and Crooks et al. disclose all of the claim limitations as applied to claims 1, 3, 9, 11, 17, 19, 25 and 27 respectively. Isashi further discloses utilizing the keyboard, allowing for operability of the apparatus, when the display unit is in the “rotated” position (see column 16, lines 32-37). Isashi discloses a trackball and associated buttons, seen equivalent to “second operating means,” operable when the display body is in “rotated” position (see column 24, lines 57-60). Note, it is inherent in Isashi that the keyboard can be pressed and that the trackball and associated buttons can be rotated and pressed.

In reference to claims 7, 15, 23 and 31, Isashi and Crooks et al. disclose all of the claim limitations as applied to claims 1, 9, 17 and 25 respectively. The Office interprets Isashi to inherently disclose canceling a display of a menu when a user operates the “ESC” key on the keyboard while the menu is displayed.

In reference to claims 8, 16, 24 and 32-36, Isashi and Crooks et al. disclose all of the claim limitations as applied to claims 1, 9, 17, 19, 25 and 27 above. In addition however, although Isashi does disclose using some keys on the keyboard to operate the camera lens in “photography mode” or “rotated” mode (see column 16, lines 32-65) neither Isashi nor Crooks et al. explicitly disclose the selection of processing items configured to control at least one of an external monitor output, a television output, screen luminance, and output volume. It is well known in the art of computer processing to implement some type of menu comprising processing items to configure all aspects of the computer including input/output devices. Menus and selectable processing items are used as an interface between the user and computer in order to instruct the computer to perform desired user functions (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art for Isashi and Crooks et al., who both disclose utilizing computing devices including computer input/output devices, to implement selectable processing items allowing for the control of devices such as external monitor output, television output, screen luminance and output volume, because it is well known in the art that menus and graphical user interfaces are used in computers to create selectable items to execute functions desired by user operators.

In reference to claims 17, 25 and 27, claims 17, 25 and 27 is equivalent in scope to claims 1, 3, 9, 11 and 19 and therefore is rejected under similar rationale. In addition however, although Isashi does disclose using some keys on the keyboard to operate the camera lens in “photography mode” or “rotated” mode (see column 16, lines 32-65) neither Isashi nor Crooks et al. explicitly disclose the selection of processing items configured to control hardware input/output devices and a communication setting. It is well known in the art of computer processing to implement

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some type of menu comprising processing items to configure all aspects of the computer including input/output (communication) devices. Menus and selectable processing items are used as an interface between the user and computer in order to instruct the computer to perform desired user functions (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art for Isashi and Crooks et al., who both disclose utilizing computing devices including computer input/output devices, to implement menus with processing items allowing for the control of these devices, because it is well known in the art that menus and graphical user interfaces are used in computers to create selectable items to execute functions desired by user operators.

In reference to claims 37-44, Isashi and Crooks et al. disclose all of the claim limitations as applied to claims 1, 3, 9, 11, 17, 19, 25 and 27 respectively above. Isashi discloses the first operating means to comprise of keys (on a keyboard) (see Figure 1A). Isashi further discloses utilizing the keyboard, allowing for operability of the apparatus, when the display unit is in the “rotated” position (see column 16, lines 32-37). Isashi discloses a trackball and associated buttons, seen equivalent to “second operating means,” operable when the display body is in “rotated” position (see column 24, lines 57-60). Neither Isashi or Crooks et al. specifically disclose the second operating means as a control dial and allowing the keyboard to only display a system menu. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement a control dial instead of a trackball in Isashi along with creating specific keys on the keyboard to perform explicit functions. Applicant has not disclosed that a specific type, control dial, operating means and explicit function keys provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in



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the art, furthermore, would have expected Applicant's invention to perform equally well with the keyboard and trackball of Isashi because both of these operating means are operable in "photographic" (rotated) and "normal" device operating modes and the specific implementation of operating control is a matter which is not seen as to provide immediate criticality to the application at hand since it would rest at the discretion of the designer. Therefore, it would have been obvious to one of ordinary skill in this art to modify Isashi to obtain the invention as specified in claims 37-44.

#### ***Response to Arguments***

4. Applicant's arguments, see pages 20-23 of Applicant's Remarks, filed 03/10/06, with respect to the rejection(s) of claim(s) 1, 3, 5-9, 11, 13-17, 19, 21-25, 27, and 29-36 under 35 USC 103(a) with regards to Ohishi et al. and Toyozumi et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Isashi and Crooks et al..

#### ***References Cited***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Ooka et al. (U.S. Patent 6,144,368)
  - Ooka et al. discloses a portable information apparatus comprising multiple wall members exposing a gap between the members for implementation of an operating means.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

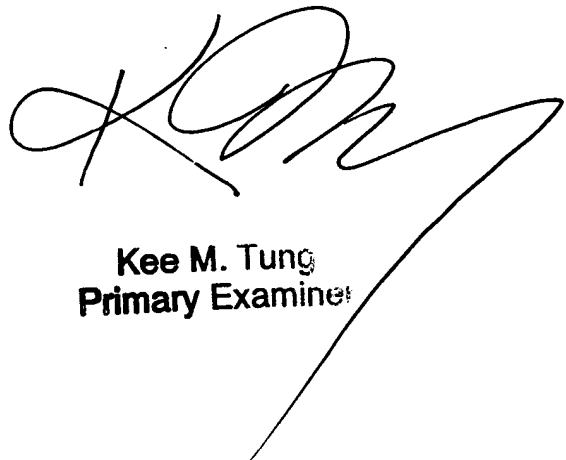
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

*me*

5/12/06

**PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'K. M. Tung', with a long, sweeping underline that extends towards the bottom right of the page.

**Kee M. Tung  
Primary Examiner**